1 <u>JURISDICTION AND VENUE</u> 2 1. This action arises under the patent laws of the United States, 35 U.S.C. § 3 100, et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 1338(a). 4 5 Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b),(c) and 1400(b). 6 THE PARTIES 7 8 2. Plaintiff, K.H.S. MUSICAL INSTRUMENT CO., LTD., is a corporation 9 existing under Taiwan Law, having their principal place of business in Taiwan. 10 3. Upon information and belief, defendant ULTIMATE SUPPORT 11 12 SYSTEMS, INC., is a corporation existing under the laws of Colorado, having its 13 principal place of business in Loveland, Colorado. 14 15 4. Upon information and belief, defendant does business in this judicial 16 district, and has committed acts of infringement complained of herein in this judicial 17 district. 18 19 **COUNT ONE** 20 **FOR PATENT INFRINGEMENT** 21 22 5. 23

Plaintiff realleges and reincorporates the allegations set forth in paragraphs 1 through 4.

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- This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281. 6.
- 7. On September 12, 2006, the United States Patent and Trademark Office duly and lawfully issued U.S. Patent No. 7,105,732 ("'732 patent"), entitled

"MUSICAL INTRUMENT STAND WITH A SELF-LOCKING NECK LOCK ASSEMBLY". A true and correct copy of the '732 patent is attached hereto as (Exhibit 1).

- 8. Plaintiff is the owner of the entire right, title, and interest in and to the '732 patent (patent-in-suit).
- 9. Without authorization from plaintiff, defendant has infringed and, unless enjoined, will continue to infringe the patent-in-suit by making, using, selling, offering to sell, and/or importing into the United States musical instrument stands, including the GS-1000 (Exhibit 2).
- 10. Upon information and belief, the infringement by defendant has been willful, intentional, and deliberate with full knowledge of the patent-in-suit. This is an exceptional case within the meaning of 35 U.S.C. § 285.
- 11. Upon information and belief, plaintiff has been and will continue to be irreparably injured by defendant's infringement of the patent-in-suit, and for which plaintiff has no adequate remedy at law, and such acts will continue unless and until defendant is enjoined therefrom.
- 12. Upon information and belief, defendant has derived and received, and will continue to derive and receive, gains, profits, and advantages from the aforesaid acts of infringement in an amount which is not presently known to plaintiff. By reason of the aforesaid acts, plaintiff has been damaged and is entitled to monetary

relief in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment in its favor against defendant for the following relief:

- A. For an Order adjudging defendant ULTIMATE SUPPORT SYSTEMS, INC. to have infringed US Patent No. 7,105,732 under 35 U.S.C. § 271;
- B. For a preliminary and permanent injunction pursuant to 35 U.S.C. § 283 enjoining defendant ULTIMATE SUPPORT SYSTEMS, INC., its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them from directly and indirectly infringing US Patent No. 7,105,732;
- C. For an accounting of all gains, profits, any advantages derived by the infringement of US Patent No. 7,105,732 by defendant ULTIMATE SUPPORT SYSTEMS, INC., and a recovery of the compensatory damages of plaintiff pursuant to 35 U.S.C. § 284;
- D. For an Order adjudging defendant ULTIMATE SUPPORT SYSTEMS, INC., to have willfully and deliberately infringed US Patent No. 7,105,732;
- E. For increased damages of treble the amount of actual damages pursuant to 35 U.S.C. § 284 for the willful and deliberate infringement of US Patent No. 7,105,732 by defendant ULTIMATE SUPPORT SYSTEMS, INC.
 - F. For an assessment of pre-judgment and post-judgment interest and costs

Case 2:11-cv-02455-JAK-E Document 1 Filed 03/23/11 Page 6 of 24 Page ID #:10

EXHIBIT 1

LIS007105732B1

(12) United States Patent Hsieh

(10) Patent No.: US 7,105,732 B1 (45) Date of Patent: Sep. 12, 2006

(54) MUSICAL INSTRUMENT STAND WITH A SELF-LOCKING NECK LOCK ASSEMBLY

(76) Inventor: **Wu-Hong Hsieh**, No. 162, Chung Shan 2nd Rd., Lu Chou City, Taipei Hsien

Primary Examiner—Kimberly Lockett (74) Attorney, Agent, or Firm—Jackson Walker, LLP

(TW)

(57) ABSTRACT

locking palms pivot to lock the neck.

Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 29 days.

A musical instrument stand with a self-locking neck lock assembly for a guitar-shaped musical instrument has a post, multiple legs and a self-locking neck lock assembly. The self-locking neck lock assembly is attached to the post and has a stationary bracket, two locking palms, a movable bracket and a spring. The stationary bracket is attached securely to the post and has a U-shaped stationary collar having two distal ends. The locking palms are rotatably mounted on respectively the distal ends. The movable bracket is mounted pivotally on the stationary bracket and has a U-shaped movable collar. The movable collar has two distal ends mounted slidably to the palms to open or close the palms. The spring is mounted between the stationary and movable brackets and biases the movable collar upward to open the palms. When the movable bracket pivots down, the

(21) Appl. No.: 11/088,458

(*) Notice:

(22) Filed:

(51) **Int. Cl. G10D 3/00** (2006.01)

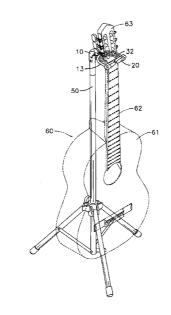
Mar. 24, 2005

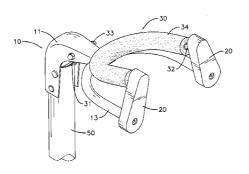
(56) References Cited

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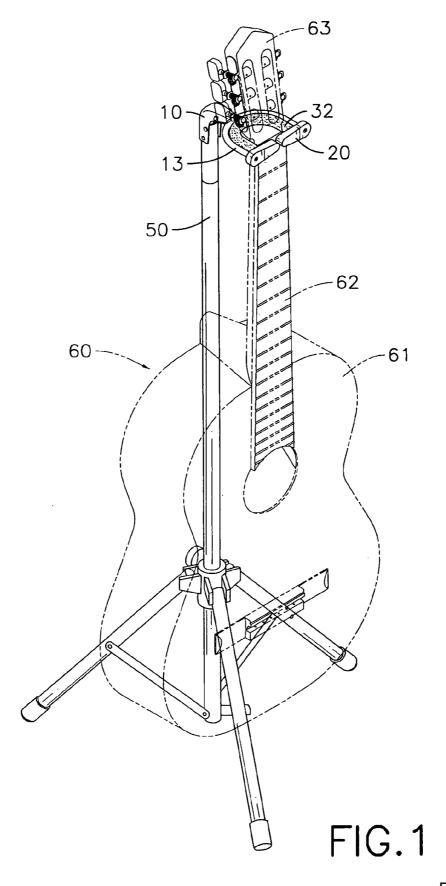
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4 Claims, 8 Drawing Sheets



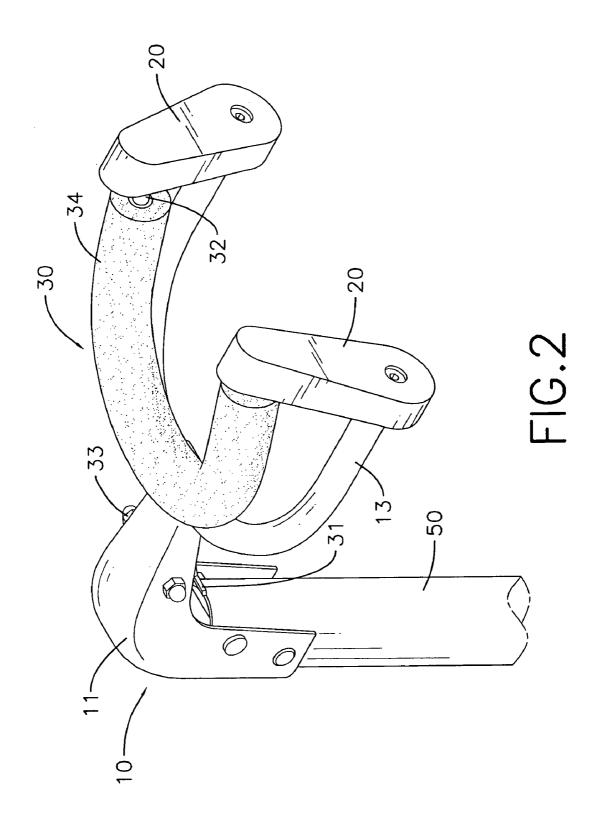


U.S. Patent Sep. 12, 2006 Sheet 1 of 8 US 7,105,732 B1



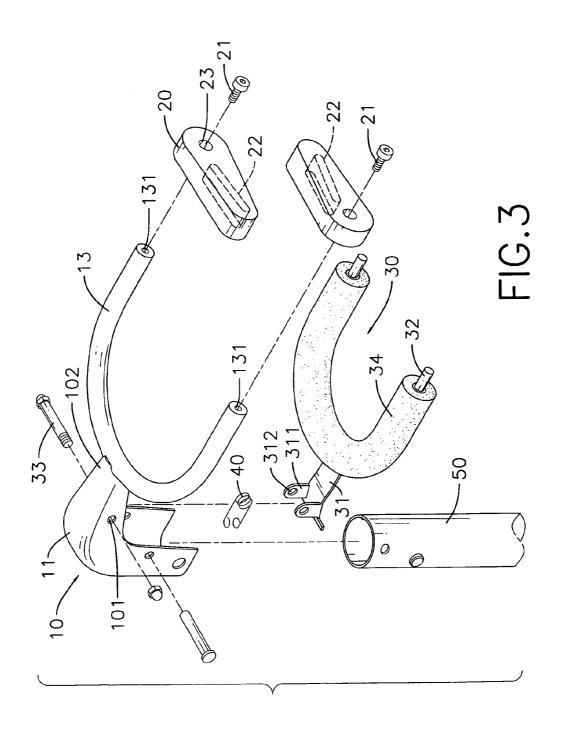
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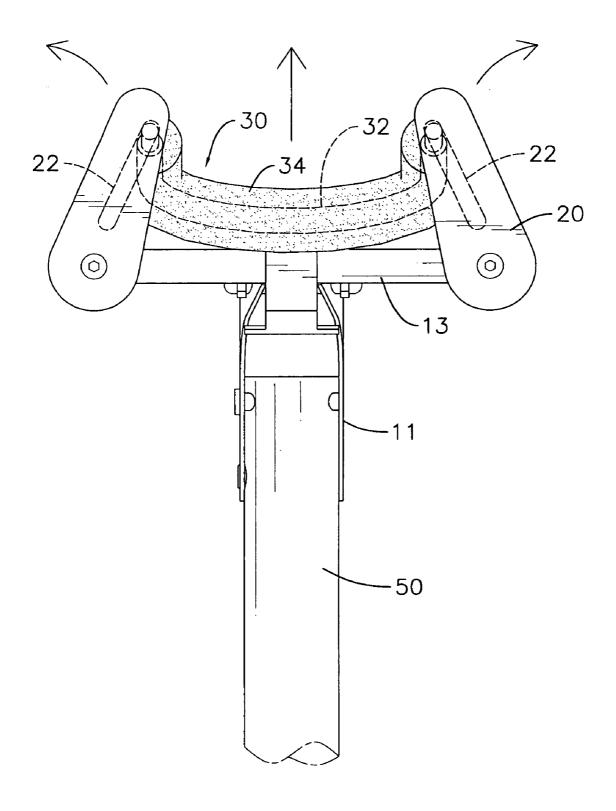


FIG.4

Sep. 12, 2006

Sheet 5 of 8

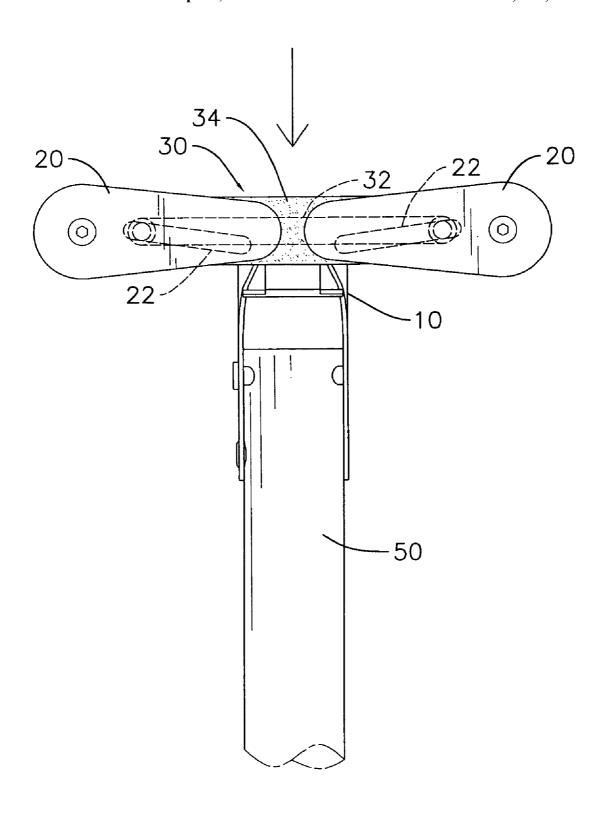
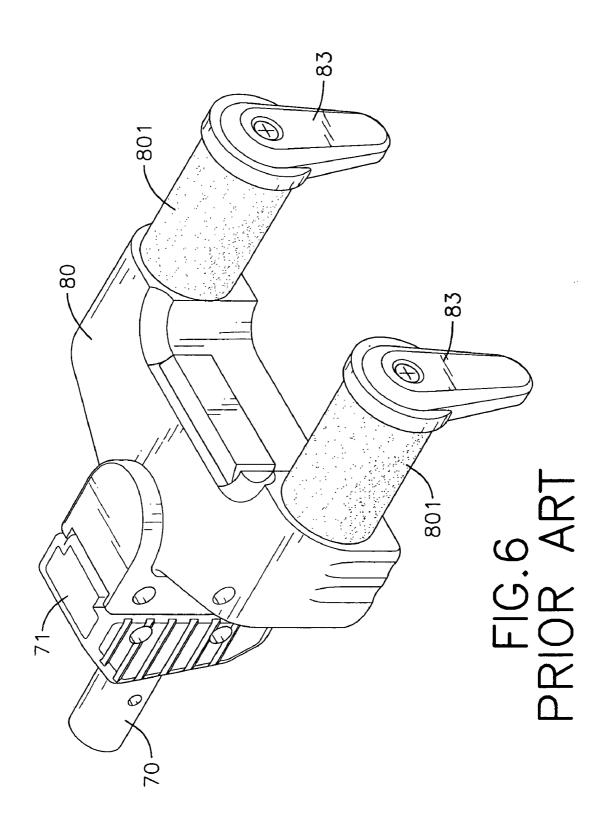


FIG.5

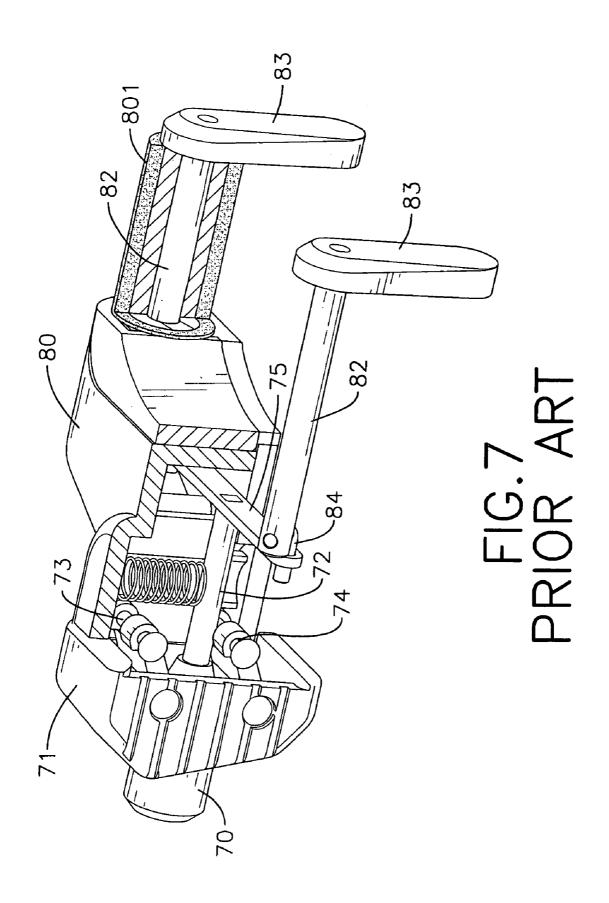
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Sheet 6 of 8



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Sheet 7 of 8



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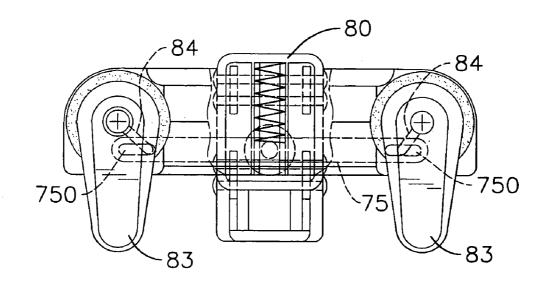


FIG.8 PRIOR ART

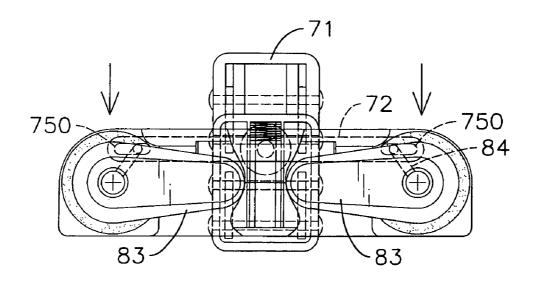


FIG.9 PRIOR ART

US 7,105,732 B1

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MUSICAL INSTRUMENT STAND WITH A SELF-LOCKING NECK LOCK ASSEMBLY

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to a musical instrument stand, and more particularly to a musical instrument stand with a self-locking neck lock assembly.

2. Description of Related Art

Conventional musical instrument stands are available to hold musical instruments such as guitars upright for display or maintenance. A guitar-shaped musical instrument has a body, a neck and a head. Therefore, a stand for a guitar-shaped musical instrument generally has a neck lock to hold 15 the neck and the head of the musical instrument.

With reference to FIGS. 6 and 7, a conventional neck lock for a guitar-shaped musical instrument is attached to a stand with a top end and comprises a base and a neck retainer.

The base is mounted on the top end of the stand and has 20 a mounting sleeve (70), a shaft (72), a crossbar (75), a connector (71) and two pivot arms (73, 74).

The mounting sleeve (70) is attached securely to the stand and has a front end. The shaft (72) is mounted in the front end of the mounting sleeve (70) and has a front end. With 25 further reference to FIGS. 8 and 9, the crossbar (75) is mounted transversely on the front end of the shaft (72) and has two ends and two slots (750). The slots (750) are defined through the crossbar (75) close respectively to the ends. The connector (71) is hollow, is mounted securely around the 30 mounting sleeve (70) and has an open front. The pivot arms (73, 74) are mounted pivotally in the connector (71) and extend through the open front, and each has a front end.

The neck retainer is attached movably to the base and has a neck rest (80), a spring, two drive rods (82), two L-shaped 35 drivers (84) and two locking palms (83).

The neck rest (80) is hollow, is attached pivotally to the front ends of the pivot arms (73, 74), abuts the open front of the connector (71) and has a top inner surface, a bottom inner surface, a front and two arms (801). The arms (801) are 40 tubular and are attached to the front of the neck rest (80) to hold a guitar-shaped musical instrument. The drive rods (82) rotatably extend respectively through the arms (801), and each has a rear end and a front end. The L-shaped drivers (84) rotatably extend respectively through the slots (750) in 45 the crossbar (75) and are securely mounted respectively through the drive rods (82) near the rear ends. The locking palms (83) are perpendicularly attached respectively to the front ends of the drive rods (82). The spring is mounted between the top inner surface of the neck rest (80) and the 50 shaft (72) and presses the neck rest (80) up to an open position so the locking palms (83) point down when no external force is applied to the arms (801).

A guitar to be mounted on a conventional musical instrument stand with a neck lock has a weight, a body, a neck and 55 a head. The neck is attached to the body and has a distal end. The head is attached to the distal end of the neck.

The guitar is mounted on the stand by placing the neck between the arms (801) and resting the head on the arms (801). The weight of the guitar pulls the neck rest (80) and 60 the drive rods (82) down relative to the connector (71). The L-shaped drivers (84) rotated the drive rods (82) as they slide in the slots (750) in the crossbar (75). The locking palms (83) rotate to face each other and hold the neck of the guitar between the arms (801).

However, the structure of the conventional neck lock is complex, is hard to assemble and is expensive.

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To overcome the shortcomings, the present invention provides a musical instrument stand with a self-locking neck lock assembly to mitigate or obviate the aforementioned problems.

SUMMARY OF THE INVENTION

The main objective of the invention is to provide a musical instrument stand with a self-locking neck lock 10 assembly for a guitar-shaped musical instrument.

A musical instrument stand with a self-locking neck lock assembly in accordance with the present invention comprises a post, multiple legs and a self-locking neck lock assembly.

The self-locking neck lock assembly is mounted on the post and has a stationary bracket, two locking palms, a movable bracket and a spring.

The stationary bracket is attached securely to the post and has a stationary collar having two ends.

The locking palms are rotatably attached respectively to the ends of the stationary collar.

The movable bracket is attached pivotally the stationary bracket and has a movable collar. The movable collar has two ends slidably connecting respectively to the palms.

The spring is mounted between the stationary and movable brackets and biases the movable collar to an unloaded position above the stationary collar where the locking palms are in an open position.

Other objectives, advantages and novel features of the invention will become more apparent from the following detailed description when taken in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of a musical instrument stand with a self-locking neck lock assembly with a guitar;

FIG. 2 is an enlarged perspective view of the self-locking neck lock assembly in FIG. 1;

FIG. 3 is an exploded perspective view of the self-locking neck lock assembly in FIG. 2;

FIG. 4 is an operational front view of the self-locking neck lock assembly in FIG. 2 with the locking palms open;

FIG. 5 is an operational front view of the self-locking neck lock assembly in FIG. 2 with the locking palms closed;

FIG. **6** is a perspective view of a conventional self-locking neck lock assembly in accordance with the prior art;

FIG. 7 is a perspective view in partial section of the neck lock in FIG. 6;

FIG. 8 is an operational front view of the neck lock in FIG. 6 with the locking palms open; and

FIG. 9 is an operational front view of the neck lock in FIG. 6 with the locking palms closed.

DETAILED DESCRIPTION OF PREFERRED EMBODIMENT

With reference to FIG. 1, a musical instrument stand with a self-locking neck lock assembly in accordance with the present invention holds a guitar-shaped musical instrument (60) upright. The guitar-shaped musical instrument (60) has a weight, a body (61), a neck (62) and a head (63). The neck (62) is attached to the body (61) and has a top end. The head (63) is attached to the top end of the neck (62).

The musical instrument stand comprises a post (50), multiple legs and a self-locking neck lock assembly.

The post (50) has a top end and a bettom end 1 PAGE 10

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The legs are attached to the post (50) close to the bottom end and extend radially out from the post (50).

With further reference to FIGS. 2 and 3, the self-locking neck lock assembly is attached securely to the top end of the post (50) and has a stationary bracket (10), two locking ⁵ palms (20), a movable bracket (30) and a spring (40).

The stationary bracket (10) is attached securely the top end of the post (50) and has a mounting bracket (11) and a stationary collar (13).

The mounting bracket (11) is hollow, is attached securely to the top end of the post (50) and has two sidewalls, a longitudinal leg and a transverse arm. A preferred embodiment of the mounting bracket (11) further has two pivot holes (101). The longitudinal leg is attached securely to the top end of the post (50) and has a top end. The transverse arm is formed on and extends perpendicularly from the top end of the longitudinal leg and has a distal end (102). The pivot holes (101) are defined respectively through the side- 20 against the pivot bracket (31) to move the movable bracket walls and are aligned with each other.

The stationary collar (13) is U-shaped, is formed on the distal end (102) of the transverse arm of the mounting bracket (11) and has two distal ends and a gap. The preferred embodiment of the stationary collar (13) further has two threaded holes (131). The distal ends are separated by a distance, and the gap is defined between the distal ends. The threaded holes (131) are axially defined respectively in the distal ends of the stationary collar (13).

The locking palms (20) are pivotally attached perpendicularly respectively to the distal ends of the stationary collar (13). Each locking palm (20) has an inner surface, a proximal end, a distal end, a length, a slot (22), a through hole 35 (23) and a fastener (21). The length of the locking palm (20) is shorter than half the distance between the distal ends of the stationary collar (13). The slot (22) is defined longitudinally in the inner surface close to the distal end of the locking palm (20) and faces the stationary collar (13). The 40 through hole (23) is defined close to the proximal end of the locking palm (20) and corresponds to one of the distal ends of the stationary collar (13). The fastener (21) extends through the through hole (23) in the locking palm (20) and $_{45}$ rotatably holds the locking palm (20) on the distal end of the stationary collar (13). A preferred embodiment of the fastener (21) is a bolt. The bolt screws into a corresponding threaded hole (131) in a distal end of the stationary collar (13).

The movable bracket (30) is attached pivotally to the stationary bracket (10) and has a pivot bracket (31), a movable collar (32) and a cover (34). A preferred embodiment of the movable bracket (30) also has a pivot pin (33). 55

The pivot bracket (31) is mounted pivotally between the sidewalls of the mounting bracket (11) in the transverse arm and has two side edges, a rear end, a front end, a top and two connectors. A preferred embodiment of the connectors is two wings (311) formed on and extending perpendicularly from the top respectively on the side edges close to the rear end of the pivot bracket (31) and mounted pivotally between the sidewalls of the mounting bracket (11) in the transverse arm. Each wing (311) has a pivot hole (312) defined through 65 the wing (311) and corresponding to and aligning with one of the pivot holes (101) in the mounting bracket (11).

The pivot pin (33) extends through the pivot holes (101) in the mounting bracket (11) and the pivot holes (312) in the pivot bracket (31) to allow the pivot bracket (31) to pivot on the mounting bracket (11).

The movable collar (32) is U-shaped, is formed on the front end of the pivot bracket (31) and has two distal ends and a gap. The movable collar (32) is narrower than the stationary collar (13). The distal ends of the movable collar (32) are slidably mounted respectively in the slots (22) in the locking palms (20). The gap is defined between the distal ends of the movable collar (32).

The cover (34) is made of resilient material such as foam rubber, padded material or the like and is mounted around the movable collar (32) to cushion the head of the musical instrument and keep it from slipping or being damaged.

With further reference to FIG. 4, the spring (40) is mounted inside the mounting bracket (11) and presses (30) upward and open the locking palms (20). In a preferred embodiment, the spring (40) is mounted around the pivot pin (33) and presses against the rear end of the pivot bracket (31) and the transverse arm or the longitudinal leg of the mounting bracket (11).

With further reference to FIG. 5, the musical instrument stand with a self-locking neck lock assembly holds a guitarshaped musical instrument (60) upright by inserting the neck (63) between the locking palms (20) and through the gaps in the stationary and movable collars (13, 32) and setting the head (63) on the movable collar (32). The weight of the guitar-shaped musical instrument (60) pivots the movable collar (32) down. The distal ends of the movable collar (32) slide in the slots (22) in the locking palms (20) and pivot the locking palms (20) down until the distal ends of the locking palms (20) face each other and close the gaps in the stationary and movable collars (13, 32). The guitar-shaped musical instrument (60) is securely held upright on the

The self-locking neck lock assembly has a simple structure and a low cost relative to a conventional self-locking neck lock.

Even though numerous characteristics and advantages of the present invention have been set forth in the foregoing description, together with details of the structure and function of the invention, the disclosure is illustrative only. Changes may be made in detail, especially in matters of shape, size, and arrangement of parts within the principles of the invention to the full extent indicated by the broad general meaning of the terms in which the appended claims are expressed.

What is claimed is:

- 1. A musical instrument stand for a guitar-shaped musical instrument comprising:
 - a post having a top end and a bottom end;
 - multiple legs attached to the post close to the bottom end and extending radially out from the post; and
 - a self-locking neck lock assembly attached securely to the top end of the post and having
 - a stationary bracket attached securely to the top end of the post and: having
 - a mounting bracket being hollow, attached securely to the top end of the post and having

two sidewalls; EXHIBIT 1 PAGE 11

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- a longitudinal leg attached securely to the top end of the post and having a top end; and
- a transverse arm formed on and extending perpendicularly from the top end of the longitudinal leg and having a distal end; and
- a stationary collar being U-shaped, formed on the distal end of the longitudinal leg and having two distal ends separated by a distance; and a gap defined between the distal ends of the stationary collar;

two locking palms pivotally attached perpendicularly respectively to the distal end of the stationary collar, and each locking palm having

- an inner surface;
- a proximal end;
- a distal end;
- a length shorter than half the distance between the distal ends of the stationary collar;
- a slot defined longitudinally in the inner surface close to the distal end of the locking palm and 20 facing the stationary collar;
- a through hole defined close to the proximal end of the locking palm and corresponding to one of the distal ends of the stationary collar; and
- a fastener passing through the through hole in the 25 locking palm and rotatably holding the locking palm on the distal end of the stationary collar;
- a movable bracket attached pivotally to the stationary bracket and having
 - a pivot bracket mounted pivotally between the sidewalls of the mounting bracket in the transverse arm and having two side edges, a rear end, a front end, a top and two connectors; and
 - a movable collar being U-shaped and narrower than the stationary collar, formed on the front end of the 35 pivot bracket and having

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- two distal ends slidably mounted respectively in the slots in the locking palms; and
- a gap defined between the distal ends of the movable collar; and
- a spring mounted inside the mounting bracket and pressing against the pivot bracket to move the movable bracket upward and open the locking palms.
- 2. The stand as claimed in claim 1, wherein the movable bracket further comprises a cover made of resilient material ¹⁰ and mounted around the movable collar.
 - 3. The stand as claimed in claim 1, wherein:
 - the mounting bracket further has two pivot holes respectively defined through the sidewalls and are aligned with each other;
 - the connectors on the pivot bracket of the movable bracket are two wings extending perpendicularly from the top respectively on the side edges close to the rear end of the pivot bracket and mounted pivotally between the sidewalls of the mounting bracket in the transverse arm, and each wing has a pivot hole defined through the wings and corresponding to the one of the pivot holes in the mounting bracket;
 - the movable bracket further has a pivot pin extending through the pivot holes in the mounting bracket and the pivot holes in the pivot bracket; and

the spring is mounted around the pivot pin.

- 4. The stand as claimed in claim 1, wherein:
- the stationary collar of the stationary bracket has two threaded holes defined respectively in the distal ends of the stationary collar; and
- the fastener in each locking palm is a bolt that screws into a corresponding threaded hole in a distal end of the stationary collar.

* * * * *

EXHIBIT 2

LILTINATE SUPPORT^M

THE STRENGTH OF INNOVATION

CRADLE YOUR BABY!

UNIVERSAL GUITAR STAND GENESIS SERIES GS-1000

The guitar's weight quickly closes the yoke around the headstock of your guitar, cradling it safely and securely.





FEATURES OF GS-1000 GENESIS GUITAR STAND

Closing Yoke - When placed in the stand, the guitar's weight quickly closes the yoke around headstock of guitar, cradling it safely and securely.

Hanging-Style Stand - Height adjustable stand holds most sizes and shapes of guitars and basses. Easily remove guitar without catching cable or strap.

Protective Pads - Case-quality pads protect guitar's finish.

Leg Lock - Legs lock open and closed for worry-free stability.

True Portability - One-piece stand quickly folds into a 3.5" x 21" unit.

Limited Lifetime Warranty - Constructed of the finest materials and backed by our award-winning customer support. For full details, exclusions and limitations as well as information on obtaining warranty service, visit **www.ultimatesupport.com**.

INSTRUCTIONS FOR SETTING UP THE STAND

- **1.** Turn gray locking knob 1/4 turn counterclockwise to the open position.
- 2. Fold down all three legs.
- **3.** Turn gray locking knob 1/4 turn clockwise to the locked position.
- **4.** Flip neck yoke over to the open position and snap into place.
- **5.** Flip up the gray telescoping lever located on the upright of the stand. Adjust the height of the stand to fit your instrument.
- 6. Simply place the headstock of the guitar into the stand and the automatically closes.

Visit www.ultimatesupport.com to download a detailed product manual, read full warranty details and to register your warranty.

GS-1000 SPECS

- Item #16538 black
- Set up height 33.5" 45.5"
 (838 mm 1156 mm)
- Folds to 3.5" x 21"
 (89 mm x 533 mm)
- Weight 3.5 lbs. (1.6 kg)

WARRANTY INFORMATION

and GS-100 (#13710). For Full Details, Exclusions and Limitations as well as information obtaining Warranty Service, please see full warranty details available online at Attimate Support Systems offers a Limited Lifetime Warranty on GS-1000 (#16538) www.ultimatesupport.com.

purchase the Ultimate Protection Plus Premium Service and Support Plan, please visit www.ultimatesupport.com or call customer support at 800-525-5628 for more information.

WARRANTY REGISTRATION

Service and Support Plan details are available online under Music Gear & Instrument Stands / Customer Support. warranty fulfilment. Full Limited Lifetime Warranty and Ultimate Protection Plus Premium rew Ultimate Support product. Warranty Registration and Proof of Purchase are required for **Visit www.ultimatesupport.com** for a quick and convenient process for registering your

PLEASE NOTE

Your instrument and strongly caution against any guitar stand being used for long-term Instrument storage.

Case

Case Gare. Sweat, heat, sunlight, environmental pollutants, nitrocellulose and age can create canemical reactions that can not be tested or predicted. At Ultimate Support we care about **Syntage instruments and instruments** with a nitrocellulose lacquer finish require special

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Revision 5, 03.04.09 . Product Manual Item #13815

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THE STRENGTH OF INNOVATION

for Ultimate Support Product Manual

SERIES GENESIS

ITEM #16538 GS-1000

GS-100



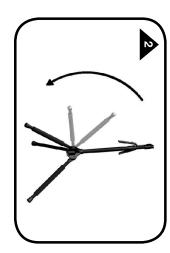
EXHIBIT 2 PAGE 15

SET-UP

age LOCKING

220 1/4 turn counterclockwise to the open 23 sition shown above. STEP 1

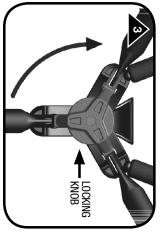
Turn stand upside-down and locate the <mark>梵</mark>ED/GRAY Locking Knob. Turn the Locking



STEP 2

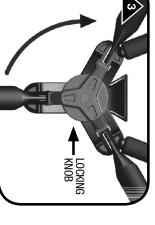
stop in the open position. (The legs should open position.) not, make sure the Locking Knob is in the move freely to the open position, if they do and fold all three legs down until they Turn the stand back to the upright position

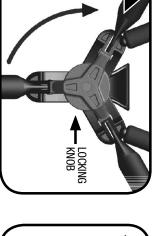
EXHIBIT 2 PAGE 2

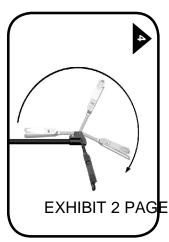


STEP 3

shown above. clockwise to the closed position turn the RED/GRAY Locking Knob 1/4 turn After all three legs are in the open position







16

STEP 4

shown above. The yoke should firmly snap into position. Rotate the Neck Yoke to the open position



Document

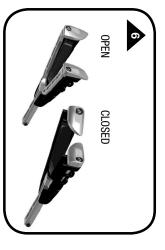
STEP 6 for GS-100 (#13710)

other end of the yoke to secure guitar. of the yoke. Stretch the strap over the position and pull strap around to the front Unhook the Retention Strap from the open

8

Ever to set the height.

Sinches from the floor. Flip down the Lock bottom edge or instrument cable is about the height of the stand until your guitar's Eever at the back of the stand. Adjust



STEP 6 for GS-1000 (#16538)

security gate. the instrument, simply lift up to release the closed around the headstock. To remove the instrument's weight pulls the yoke Place guitar or bass into the stand and



STEP 7 OPTIONAL: On GS-100

located along the top of the yoke. Convenient guitar pick storage slots are